CLERK: Mr. President, LB 1278, a bill by Senator Brashear. (Read title.) The bill was introduced on January 23 of this year. Referred to the Judiciary Committee. The bill was advanced to General File. I do have committee amendments.

SPEAKER KRISTENSEN: Senator Brashear, you're recognized to open.

SENATOR BRASHEAR: Thank you, Mr. Speaker, members of the body. This bill is Senator Dierks' priority bill. Senator Dierks has been the primary movement behind this bill, strongly supported by Senator Don Pederson, and I'm simply doing what they ask that I do. LB 1278 permits parties within a distribution chain transacting business indirectly with a price-fixing party who has been...which has been harmed by an antitrust violation, to have a remedy for that harm in Nebraska. In a price fixing situation it is likely that at least some, if not all, of the monopoly, and these are terms of art in antitrust law, that monopoly undercharge or overcharge, which is the difference between the competitive price and the illegally fixed price, that undercharge or overcharge passes through the numerous levels of the distribution chain. Federal antitrust law limits antitrust law limits antitrust violation remedies to direct parties only; in other words, those parties who have specifically sustained damage as a result of the transaction. Pursuant to Illinois Brick Co. v. Illinois, 431 U.S. 270...or 720, in 1977, indirect parties have no federal right to sue, nor a right to a remedy when an illegal overcharge is passed on through a distribution system to the indirect party. Neb. Rev. Stat. Section 59-829 states that when any provision of Nebraska antitrust law is the same or similar to federal antitrust law, Nebraska courts shall follow the federal courts' construction of such federal law. Because Nebraska antitrust statutes are analogous to federal law, and provide no specific recovery for indirect parties, the Illinois Brick decision applies to the Nebraska courts and governs them. As such, Nebraska is...Nebraskans are prohibited, generally, from claiming harm to indirect parties in antitrust cases. Only the party who transacts business directly with the price-fixing party is allowed to sue for damages. The United States Supreme Court ruled, in California v. ARC America, that individual